

Hate Crimes and Violence against People Experiencing Homelessness

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HISTORY OF VIOLENCE

Over the past decade (1999-2008), advocates and shelter workers around the country have received news reports of men, women and even children being harassed, kicked, set on fire, beaten to death, and decapitated. From 1999 through 2008, there have been 880 acts of violence committed by housed individuals, resulting in 244 deaths of homeless people and 636 victims of non-lethal violence in 267 cities from 46 states, Puerto Rico and Washington, DC.

In response to this barrage of information, the National Coalition for the Homeless (NCH), along with its Civil Rights Work Group, a nationwide network of civil rights and homeless advocates, began compiling documentation of this epidemic. NCH has taken articles and news reports and compiled them into an annual report. The continual size of reports of hate crimes and violence against people experiencing homelessness has led NCH to publish its tenth annual report, "Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2007." This annual report also includes a ten-year analysis of this widespread epidemic. These reports are available on the NCH website at: www.nationalhomeless.org

WHAT IS A HATE CRIME?

In 1968, the U.S. Congress defined a hate crime as a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of their race, color or national origin (Title 18 U.S.C Section 245). The first federal law to combat hate crimes, 18 USC Section 245, passed in 1968; it mandated that the government must prove both that the crime occurred because of a victim's membership in a designated group and because the victim was engaged in certain specified federally-protected activities -- such as serving on a jury, voting, or attending public school.¹

Federal bias crime laws enacted subsequently have provided additional coverage. The Hate Crimes Statistics Act of 1990 (HCSA) authorizes the Justice Department to collect data from law enforcement agencies about crimes that "manifest evidence of prejudice based upon race, religion, -sexual orientation, or ethnicity."² The Hate Crimes Sentencing Enhancement Act, enacted as a section of the Violent Crime Control and Law Enforcement Act of 1994, defines hate crimes as "a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime,

¹ Source: Anti-Defamation League, http://www.adl.org/legislative_action/hatecrimes_briefing.html

² Source: Leadership Conference on Civil Rights, www.civilrights.org

because of the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual orientation of any person.” This measure only applies to attacks and vandalism that occur in national parks and on federal property.³

WHO COMMITS HATE CRIMES AND VIOLENT ACTS AGAINST THE HOMELESS?

Most hate crimes/violent acts are committed not by organized hate groups, but by individual citizens who harbor a strong resentment against a certain group of people. Some are “mission offenders,” who believe they are on a mission to cleanse the world of a particular evil. Others are “scapegoat offenders,” who violently act out their resentment toward the perceived growing economic power of a particular racial or ethnic group. Still others are “thrill seekers,” those who take advantage of a vulnerable and disadvantaged group in order to satisfy their own pleasures. Thrill seekers, primarily in their teens, are the most common perpetrators of violence against people who are homeless. 42% of attacks against the homeless were committed by teens aged 13-19 and 77% of the accused/convicted attackers were ages 25 years or younger.

In 2008:

Total Number of Violent Acts in 2008: **106**

Total Number of Lethal Attacks: **27**

Total Number of Non-Lethal Attacks: **79**

Breakdown of Non-Lethal Attacks:

Total Number of Rapes/Sexual Assaults: **9**

Total Number Setting on Fire: **3**

Total Number of Beatings/Assault: **54**

Total Number of Shootings: **8**

Total Number of Incidents involving Police Harassment/Brutality: **5**

POSITIVE ACTIONS TAKEN AGAINST HATE CRIMES

With this growing problem becoming more and more apparent in communities around the country, some states, cities, and advocacy groups are doing something positive to address the issue.

- California passed a law in 2004 mandating police officer training on hate crimes against homeless persons, particularly those with disabilities.
- Maine passed a law in 2006 that allows judges to take into consideration a victim’s homeless status when considering sentencing for the offender.
- A statewide public education project in Florida to educate people about homelessness was initiated in 2007 by the National Coalition for the Homeless in conjunction with AmeriCorps*VISTA Volunteers. This project has now expanded to Georgia and South Carolina.
- The Miami-Dade County Homeless Trust has created a curriculum/video about homelessness that is shown in schools throughout the county to give young people a greater understanding of homelessness.

³ Source: Anti-Defamation League, http://www.adl.org/legislative_action/hatecrimes_briefing.html

- Alaska added homeless status to a law creating more protection for vulnerable populations
- Seattle amended the city's malicious harassment statute to criminalize particular acts, including malicious and intentional injury or threats against a person, or destruction of or damage to the person's property, because of the perception that the person is homeless
- Los Angeles passed a resolution requiring homelessness awareness to be taught at the high school level, trainings for police officers dealing with possible hate crimes against the homeless, and tracking of hate crimes committed against homeless individuals.
- Maryland became the first state to add homeless persons to the existing hate crime law.

RECOMMENDATIONS FOR ACTION

- Supporting bills; such as HR 262, David Ray Ritcheson Hate Crimes Prevention Act, that would provide support to victims of hate crimes, including housing assistance for homeless individuals.
- Supporting state legislative efforts to add homeless persons as a protected class to state hate crime statutes.
- Initiating police trainings to help law enforcement officers better understand homelessness in general and how to prevent and manage hate crime against homeless persons.
- Engaging in public education initiatives in schools to educate young people about homelessness and to humanize homeless neighbors.
- Advocating against city measures that criminalize homelessness and for more constructive approaches to homelessness.
- Advocating for more affordable housing and permanent supportive housing to bring an end to homelessness for those homeless members of our communities.

RESOURCES

- 1999: No More Homeless Deaths! Hate Crimes: A Report Documenting Violence against Men and Women Homeless in the U.S.
- 2000: A Report of Hate Crimes and Violence against People Who Are Homeless in the United States in 2000
- 2001: Hate. A Compilation of Violent Crimes Committed Against Homeless People in the U.S. in 2001
- 2002: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence against People Experiencing Homelessness in 1999-2002
- 2003: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2003
- 2004: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence against People Experiencing Homelessness 2004
- 2005: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence against People Experiencing Homelessness in 2005
- 2006: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence against People Experiencing Homelessness 2006
- 2007: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence against People Experiencing Homelessness 2007. Published by NCH & NLCHP.
- 2008: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence against People Experiencing Homelessness 2008